

1. That the action is a civil action filed by Plaintiff seeking monetary damages that was commenced in the Montana Fourth Judicial District Court, Missoula County. By letter dated September 15, 2017, a copy of which is attached as Exhibit 1, the Commissioner of Securities and Insurance acknowledged service of process of the action and forwarded to Travelers the documentation attached as Exhibit 2, including a Complaint and Demand for Jury Trial (hereinafter “Complaint”) and a Summons. The documentation included in Exhibit 2 includes the only process and pleadings that have been served upon Travelers. Travelers has until October 16, 2017, to respond to the Complaint since the letter from the Commissioner of Securities and Insurance attached as Exhibit 1 is dated September 15, 2017. *See* Mont. Code Ann. § 33-1-603.

2. That Travelers first learned of the filed civil action by e-mail dated August 28, 2017, attached to which was a copy of the Complaint.

3. That upon and information relief, Plaintiff has resided in Missoula County, Montana, at all relevant times and is therefore a citizen of Montana.

4. That at all relevant times, Defendant Travelers was and is a corporation duly organized and existing under the laws of Connecticut with its principal place of business in Hartford, Connecticut. As such, Travelers is a citizen of Connecticut.

5. That while it is unclear what exactly Plaintiff means by including “Related Travelers Companies” as a Defendant, doing so without specifying what “Related Travelers Companies” are being referred to is equivalent to utilizing fictitious names, and “the citizenship of defendants sued under fictitious names shall be disregarded” in determining whether there is diversity of citizenship pursuant to 28 U.S.C. § 1441(b)(1). Additionally, none of the companies in the corporate family of The Travelers Companies, Inc., are duly organized and existing under the laws of Montana or have their principal place of business in Montana, so that none of them are citizens of Montana. Also, any company in the corporate family of The Travelers Companies, Inc., subsequently specifically added as a Defendant would consent to removal.

6. That the matter in controversy, exclusive of interest and costs, exceeds \$75,000.00, and complete diversity exists between Plaintiff, who is a citizen of Montana, and Defendant Travelers, which is a citizen of Connecticut. For the reasons explained above, complete diversity would continue to exist if Plaintiff subsequently specifies what is meant by “Related Travelers Companies,” as none of the companies in the corporate family of The Travelers Companies, Inc., are citizens of Montana.

7. That the above Court has jurisdiction of this case under and by virtue of the provisions of 28 U.S.C. § 1332.

8. That Travelers will concurrently give written notice of this Notice of Removal to counsel for Plaintiff and the Montana Thirteenth Judicial District Court, Yellowstone County pursuant to Mont. R. Civ. P. 77(e), by which act the above entitled cause is removed from such state district court to the above captioned United States District Court. A copy of this written notice, without attachments, is attached as Exhibit 3.

DATED this 26th day of September, 2017.

By: /s/ Jon A. Wilson
Guy W. Rogers / Jon A. Wilson
BROWN LAW FIRM, P.C.
*Attorneys for Defendant The
Travelers Home and Marine
Insurance Company*

CERTIFICATE OF SERVICE

I hereby certify that, on September 26, 2017, a copy of this Notice of Removal was served on the following person(s):

1. U.S. District Court, Missoula Division
2. Montana Fourth Judicial District Court, Missoula County Clerk of District Court
3. James T. Towe
TOWE & FITZPATRICK, PLLC
619 S.W. Higgins, Ste. O
P.O. Box 1745
Missoula, MT 59806

by the following means:

<u>1, 3</u> CM/ECF	<u> </u> Fax
<u> </u> Hand Delivery	<u> </u> E-Mail
<u>2</u> U.S. Mail	<u> </u> Overnight Delivery Services

By: /s/ Jon A. Wilson
Guy W. Rogers / Jon A. Wilson
BROWN LAW FIRM, P.C.
*Attorneys for Defendant The
Travelers Home and Marine
Insurance Company*